

# ELLIS:LAWHORNE

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January 12, 2010

## VIA ELECTRONIC AND FIRST CLASS MAIL

Dallas Ball, Esq.  
Dallas D. Ball, P.C.  
690-C Columbiana Blvd.  
Suite 200  
Columbia SC 29212

RE: Application of Kenneth Landert d/b/a Kountry Trans.  
(f/k/a Kenneth J. Landert d/b/a Kountry Limo) for a Class C (Charter)  
Certificate of Public Convenience and Necessity for Operation of  
Motor Vehicle Carrier  
**Docket No. 2009-431-T, ELS File No. 2192-11695**

*Dallas*  
Dear ~~Mr.~~ Ball:

Enclosed herewith for service, please find **Kenneth Landert d/b/a Kountry Trans.'s Interrogatories – Set No. 1 and Requests for Production – Set No. 1**, served upon Yellow Cab Co. of Greenville, Inc. in the above-referenced docket.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/cr

Enclosures (as stated)

cc: The Honorable Charles L. A. Terreni (via electronic mail service)  
B. Randall Dong, Esquire (via electronic mail service)  
Florence Belser (via electronic mail service)  
Mr. Kenneth Landert (via electronic mail service)

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2009-431-T**

IN RE:	)	
	)	
Application of Kenneth Landert d/b/a	)	
Kountry Trans. (f/k/a Kenneth J. Landert	)	<b>INTERROGATORIES</b>
d/b/a Kountry Limo) for a Class C	)	<b>(SET NO. 1)</b>
(Charter) Certificate of Public	)	
Convenience and Necessity for	)	
Operation of Motor Vehicle Carrier	)	

**TO: Dallas Ball, Esq., Dallas D. Ball, P.C., 690-C Columbiana Blvd., Suite 200, Columbia SC 29212, Attorney for Yellow Cab Company of Greenville, Inc.:**

Pursuant to the Commission's Rules of Practice and Procedure, the Applicant, Kenneth Landert d/b/a Kountry Trans. ("Applicant") propounds the following Interrogatories to Yellow Cab Company of Greenville, Inc. ("Yellow Cab") and requests responses within twenty (20) days as allowed by the Commission's Rules and Regulations:

**IT IS HEREIN REQUESTED:**

- A. That all information shall be provided to the undersigned in the format as requested.
- B. That all responses to the below Interrogatories shall be labeled using the same numbers as used herein.
- C. That if the requested information is found in other places or in other exhibits, reference not be made to those, but, instead, that the information be reproduced and placed in the responses to these Interrogatories in the appropriate sequence.
- D. That any inquiries or communication relating to questions concerning clarifications of the data requested below be directed to the undersigned.
- E. That any exhibits be reduced to an 8 1/2" x 11" format.
- F. That, in addition to the signature and verification at the close of each response, the individual responsible for the information contained in each answer be also identified.

- G. That each Interrogatory be reproduced at the beginning of the response thereto.
- H. That three (3) copies of the responses to these Interrogatories be provided to the undersigned as soon as possible.
- I. If the response to any Interrogatory is that the information requested is not currently available, state when the information requested will become available.
- J. These Interrogatories shall be deemed continuing so as to require you to supplement or amend your responses as any additional information becomes available up to and through the date of the hearing.
- K. If a privilege not to answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.
- L. If a refusal to answer an interrogatory is stated on the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of man hours and costs required to conduct the search.
- M. Answer each interrogatory on the basis of your entire knowledge, including information in the possession of Yellow Cab, its officers, directors, members, employees, consultants, representatives, agents, attorneys, subsidiaries, and subcontractors.
- N. If any interrogatory cannot be answered in full, answer to the extent possible and specify reasons for inability to answer.

### **DEFINITIONS**

1. AS USED HEREIN, "APPLICANT" SHALL MEAN KENNETH LANDERT D/B/A KOUNTRY TRANS., WITH THEIR EMPLOYEES, AGENTS, CONSULTANTS, EXPERTS, PARENTS, SUBSIDIARIES, AFFILIATES, AND PARTNER COMPANIES AND OTHER OPERATIONAL OR FUNCTIONAL UNITS AND ALL OFFICERS, DIRECTORS, EMPLOYEES, AGENTS AND REPRESENTATIVES OF THESE ENTITIES. IT ALSO INCLUDES ALL OTHER PERSONS ACTING ON BEHALF OF APPLICANT.

2. AS USED HEREIN, "YELLOW CAB" SHALL MEAN YELLOW CAB COMPANY OF GREENVILLE, INC., WITH THEIR EMPLOYEES, AGENTS, CONSULTANTS,

EXPERTS, PARENTS, SUBSIDIARIES, AFFILIATES, AND PARTNER COMPANIES AND OTHER OPERATIONAL OR FUNCTIONAL UNITS AND ALL OFFICERS, DIRECTORS, EMPLOYEES, AGENTS AND REPRESENTATIVES OF THESE ENTITIES. IT ALSO INCLUDES ALL OTHER PERSONS ACTING ON BEHALF OF YELLOW CAB.

3. PLEASE CONSTRUE "AND" AS WELL AS "OR" EITHER DISJUNCTIVELY OR CONJUNCTIVELY AS NECESSARY TO BRING WITHIN THE SCOPE OF THESE INTERROGATORIES ANY INFORMATION WHICH MIGHT OTHERWISE BE CONSTRUED OUTSIDE THEIR SCOPE.

4. "DOCUMENT" SHALL MEAN ANY WRITTEN, PRINTED, TYPED, RECORDED, PHOTOGRAPHIC OR OTHER GRAPHIC MATTER OF ANY KIND OR NATURE, AND ALL MECHANICAL AND ELECTRICAL SOUND RECORDINGS AND ANY TRANSCRIPTS THEREOF, AND COMPUTER DATA FILES IN YOUR POSSESSION, CUSTODY, AND/OR CONTROL, OR KNOWN BY YOU TO EXIST; IT SHALL ALSO MEAN ALL COPIES OF DOCUMENTS BY WHATEVER MEANS MADE.

5. "IDENTIFY" OR "IDENTITY" USED WITH REFERENCE TO AN INDIVIDUAL MEANS TO STATE HIS OR HER FULL NAME, PRESENT OR LAST KNOWN ADDRESS, PRESENT OR LAST KNOWN POSITION AND BUSINESS AFFILIATION, AND EMPLOYER, TITLE, AND POSITION AT THE TIME IN QUESTION. IF THE PERSON WAS AN OFFICER, DIRECTOR, TRUSTEE, COMMISSIONER, OR EMPLOYEE OF YELLOW CAB, ALSO STATE THE JOB TITLE AND AREAS OF RESPONSIBILITY.

6. "IDENTIFY" OR "IDENTITY" USED WITH REFERENCE TO A WRITING MEANS TO STATE THE DATE, AUTHOR, TYPE OF DOCUMENT (E.G. LETTER, MEMORANDUM, TELEGRAM, CHART, NOTE APPLICATION, ETC.) OR OTHER MEANS OF IDENTIFICATION, AND ITS PRESENT LOCATION OR CUSTODIAN. IF ANY SUCH DOCUMENT IS NO LONGER IN YELLOW CAB'S POSSESSION OR SUBJECT TO THEIR CONTROL, STATE WHAT DISPOSITION WAS MADE OF IT.

7. "YOU" AND "YOURS" INCLUDES YELLOW CAB, AS DEFINED HEREIN, AND ANY OF ITS MEMBERS, INDIVIDUALLY, WHO HAVE KNOWLEDGE OR CONTROL OF INFORMATION REQUESTED IN THE INTERROGATORY.

8. "COMPANY" SHALL MEAN YELLOW CAB.

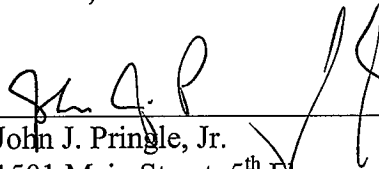
### **INTERROGATORIES**

**INTERROGATORY 1:** Give the names and addresses of all intended witnesses you intend to present at the hearing in this Docket, their official titles, and the issues about which the witness is expected to testify. Please indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

**INTERROGATORY 2:** For each person known to you to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

**INTERROGATORY 3:** Set forth a list of photographs, plats, sketches, or other prepared documents in your possession that relate to this case.

**ELLIS, LAWHORNE & SIMS, P.A.**

  
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John J. Pringle, Jr.  
1501 Main Street, 5<sup>th</sup> Floor  
P.O. Box 2285  
Columbia SC 29202  
Tel.: (803) 343-1270  
Fax: (803) 799-8479

Attorneys for Kenneth Landert d/b/a Kountry Trans.

January 12, 2010  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2009-431-T**

IN RE:	)	
	)	
Application of Kenneth Landert d/b/a	)	
Kountry Trans. (f/k/a Kenneth J. Landert	)	<b>REQUESTS FOR PRODUCTION</b>
d/b/a Kountry Limo) for a Class C	)	<b>(SET NO. 1)</b>
(Charter) Certificate of Public	)	
Convenience and Necessity for	)	
Operation of Motor Vehicle Carrier	)	

**TO: Dallas Ball, Esq., Dallas D. Ball, P.C., 690-C Columbiana Blvd., Suite 200, Columbia SC 29212, Attorney for Yellow Cab Company of Greenville, Inc.:**

Pursuant to the Commission's Rules of Practice and Procedure, the Applicant, Kenneth Landert d/b/a Kountry Trans. ("Applicant") propounds the following Requests for Production to Yellow Cab Company of Greenville, Inc. ("Yellow Cab") and requests responses within twenty (20) days as allowed by the Commission's Rules and Regulations:

**IT IS HEREIN REQUESTED:**

- A. That all information shall be provided to the undersigned in the format as requested.
- B. That all responses to the below Requests for Production shall be labeled using the same numbers as used herein.
- C. That if the requested information is found in other places or in other exhibits, reference not be made to those, but, instead, that the information be reproduced and placed in the responses to these Requests for Production in the appropriate sequence.
- D. That any inquiries or communication relating to questions concerning clarifications of the data requested below be directed to the undersigned.
- E. That any exhibits be reduced to an 8 1/2" x 11" format.
- F. That, in addition to the signature and verification at the close of each response, the individual responsible for the information contained in each answer be also identified.

- G. That each Request for Production be reproduced at the beginning of the response thereto.
- H. That three (3) copies of the responses to these Requests for Production be provided to the undersigned as soon as possible.
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- J. These Requests for Production shall be deemed continuing so as to require you to supplement or amend your responses as any additional information becomes available up to and through the date of the hearing.
- K. If a privilege not to answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.
- L. If a refusal to answer a Request for Production is stated on the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of man hours and costs required to conduct the search.
- M. Answer each Request for Production on the basis of your entire knowledge, including information in the possession of Yellow Cab, its officers, directors, members, employees, consultants, representatives, agents, attorneys, subsidiaries, and subcontractors.
- N. If any Request for Production cannot be answered in full, answer to the extent possible and specify reasons for inability to answer.

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3. PLEASE CONSTRUE "AND" AS WELL AS "OR" EITHER DISJUNCTIVELY OR CONJUNCTIVELY AS NECESSARY TO BRING WITHIN THE SCOPE OF THESE REQUESTS FOR PRODUCTION ANY INFORMATION WHICH MIGHT OTHERWISE BE CONSTRUED OUTSIDE THEIR SCOPE.

4. "DOCUMENT" SHALL MEAN ANY WRITTEN, PRINTED, TYPED, RECORDED, PHOTOGRAPHIC OR OTHER GRAPHIC MATTER OF ANY KIND OR NATURE, AND ALL MECHANICAL AND ELECTRICAL SOUND RECORDINGS AND ANY TRANSCRIPTS THEREOF, AND COMPUTER DATA FILES IN YOUR POSSESSION, CUSTODY, AND/OR CONTROL, OR KNOWN BY YOU TO EXIST; IT SHALL ALSO MEAN ALL COPIES OF DOCUMENTS BY WHATEVER MEANS MADE.

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7. "YOU" AND "YOURS" INCLUDES YELLOW CAB, AS DEFINED HEREIN, AND ANY OF ITS MEMBERS, INDIVIDUALLY, WHO HAVE KNOWLEDGE OR CONTROL OF INFORMATION REQUESTED IN THE REQUEST FOR PRODUCTION.

8. "COMPANY" SHALL MEAN YELLOW CAB.

### **REQUESTS FOR PRODUCTION**

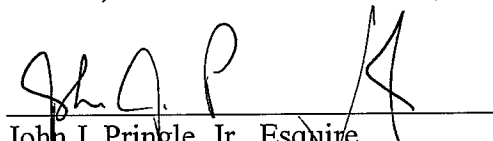
**REQUEST FOR PRODUCTION NO. 1:** Provide a copy of any and all documents identified in your responses to Applicant's Interrogatories.

**REQUEST FOR PRODUCTION NO. 2:** Provide a copy of any and all documents, exhibits or other items of evidence which your Company intends to introduce at any hearing in this proceeding.

**REQUEST FOR PRODUCTION NO. 3:** Provide all documents that support your contention that "Mr. Landert was cited by the SC ORS for operating illegally (on October 18, 2009) despite repeated warnings to discontinue his operation."

**REQUEST FOR PRODUCTION NO. 4:** Provide all documents that support your contention that "Mr. Landert cannot qualify to obtain a permit to drive a taxi from the City of Greenville."

**ELLIS, LAWHORNE & SIMS, P.A.**



John J. Pringle, Jr., Esquire  
1501 Main Street, 5<sup>th</sup> Floor  
P.O. Box 2285  
Columbia SC 29202  
Tel.: (803) 343-1270  
Fax: (803) 799-8479

Attorneys for Kenneth Landert d/b/a  
Kountry Trans.

January 12, 2010  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

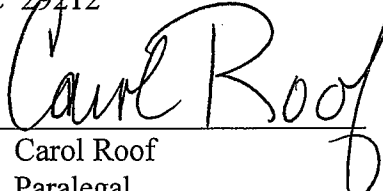
**DOCKET NO. 2009-431-T**

IN RE:	)	
	)	
Application of Kenneth Landert d/b/a	)	
Kountry Trans. (f/k/a Kenneth J. Landert	)	<b>CERTIFICATE OF SERVICE</b>
d/b/a Kountry Limo) for a Class C	)	
(Charter) Certificate of Public	)	
Convenience and Necessity for	)	
Operation of Motor Vehicle Carrier	)	

This is to certify that I have caused to be served this day, one (1) copy of the Interrogatories - Set No. 1 and Requests for Production - Set No. 1 by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

**VIA ELECTRONIC AND 1<sup>ST</sup> CLASS MAIL SERVICE**

Dallas Ball, Esq.  
Dallas D. Ball, P.C.  
690-C Columbiana Blvd.  
Suite 200  
Columbia SC 29212

  
\_\_\_\_\_  
Carol Roof  
Paralegal

January 12, 2010  
Columbia, South Carolina